


**Intellectual Property**  
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**Lecture – 35**  
**Intellectual Property Appellate Board**

The Intellectual Property Appellate Board is the appellate body that can receive appeals from the patent office; that is the appellate function of the intellectual property appellate board. Apart from the appellate function the intellectual property board can also take cases directly what we call original jurisdiction.

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## Appellate Board [S.116]

- Appellate board established under S.83 of Trade Marks Act, 1999
- Appeals, rectification, invalidity — ORIGINAL

The intellectual property board has both appellate jurisdictions, that is its ability to take appeals from a lower body like the patent office, it also has the right to take cases directly what we call original jurisdiction. The appellate board was established for the patent side around the year 2007.


Now, this was done by the Patents Act when it introduced the appellate board, the appellate board itself was constituted under the Trade Marks Act in 1999. So, there was a delay for constituting the patent side of the appellate board. The Intellectual Property Appellate Board can deal with matters concerning intellectual property right like trademarks, patents, designs and now there is also a provision for dealing with copyright set.

So, the powers pertain to appeals which is appealed from the patent office or sometimes even from the central government, they have the power to rectify the register which is called rectification proceedings and they also have the power to decide revocation or invalidity proceedings. Now, rectification and invalidity pertain to the original powers of the appellate board.

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## Appellate Board [S.116]

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- Appeals, rectification, invalidity
- Bar of jurisdiction of courts



There is a bar on the jurisdiction of courts, before the constitution of the appellate board patent cases were filed before the High Court and revocation of patents were also filed before the High Court. When the Intellectual Property Appellate Board was constituted and when the patent site was created, the law created a barring provision which prevented any other courts from taking action on matters pertaining to patents.

An appeal from the patent office could only lie before the Intellectual Property Appellate Board and similarly proceedings pertaining to rectification of register, revocation of patents would only lie before the Intellectual Property Appellate Board. So, the bar on jurisdiction of other courts would mean that you cannot file a case pertaining to patents in any other court. Now, the only exception is infringement suits and suits pertaining to declaratory suits on patents.